

Executive Summary - Enforcement Matter - Case No. 63922

City of Kaufman

RN102410461

Docket No. 2023-0536-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Kaufman WWTP, 600 Enterprise Way, Kaufman, Kaufman County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 6, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,600

Amount Deferred for Expedited Settlement: \$7,920

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$31,680

Name of SEP: Facility Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 31, 2023

Date(s) of NOE(s): April 6, 2023

Executive Summary - Enforcement Matter - Case No. 63922
City of Kaufman
RN102410461
Docket No. 2023-0536-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012114001, Interim Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0012114001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Elizabeth Vanderwerken, Enforcement Division, Enforcement Backlog Team, MC 174, (512) 289-5900; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, Litigation Division, MC 175, (512) 239-0648

Respondent: The Honorable Jeff Jordan, Mayor, City of Kaufman, 209 South Washington Street, Kaufman, Texas 75142

M. Holder, City Manager, City of Kaufman, 209 South Washington Street, Kaufman, Texas 75142

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-Apr-2023	Screening	17-Apr-2023	EPA Due	5-Mar-2023
	PCW	3-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Kaufman
Reg. Ent. Ref. No.	RN102410461
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63922	No. of Violations	1
Docket No.	2023-0536-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mark Gamble
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	32.0%	Adjustment	Subtotals 2, 3, & 7	\$9,600
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Notes: Enhancement for one month of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order with a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,438
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$39,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$39,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$39,600
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,920
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$31,680
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Screening Date 17-Apr-2023

Docket No. 2023-0536-MWD-E

PCW

Respondent City of Kaufman

Policy Revision 5 (January 28, 2021)

Case ID No. 63922

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102410461

Media Water Quality

Enf. Coordinator Mark Gamble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 32%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 17-Apr-2023	Docket No. 2023-0536-MWD-E	PCW
Respondent City of Kaufman		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 63922		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN102410461		
Media Water Quality		
Enf. Coordinator Mark Gamble		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0012114001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="30.0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total Suspended Solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended for the quarters containing the months of December 2021, and January, February, March, July, August, and September 2022.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="X"/>	<input type="text"/>

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 63922
Reg. Ent. Reference No. RN102410461
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Dec-2021	30-Sep-2024	2.75	\$3,438	n/a	\$3,438
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$25,000	TOTAL	\$3,438
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City of Kaufman
Docket No. 2023-0536-MWD-E
TPDES Permit No. WQ0012114001
Effluent Violation Table No. 1

Monitoring Period	Carbonaceous Biochemical Oxygen Demand (5-day)		Ammonia Nitrogen	
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 3 mg/L	Limit = 10 mg/L
December 2021	c	c	N/A	c
January 2022	c	c	N/A	c
February 2022	c	c	N/A	c
March 2022	10.2	30.5	N/A	c
July 2022	c	c	4.91	c
August 2022	c	c	6.82	19.1
September 2022	c	c	11.4	22.1

c = compliant
mg/L = milligrams per liter
N/A = not applicable

Effluent Violation Table No. 2		
Monitoring Period	Total Suspended Solids	
	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 15 mg/L	Limit = 40 mg/L
December 2021	15.37	c
January 2022	18.23	c
February 2022	c	43.5
March 2022	22.47	43.4
July 2022	c	c
August 2022	c	c
September 2022	c	c

c = compliant
mg/L = milligrams per liter

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Compliance History Report

Compliance History Report for CN600491245, RN102410461, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600491245, City of Kaufman **Classification:** SATISFACTORY **Rating:** 8.31

Regulated Entity: RN102410461, CITY OF KAUFMAN **Classification:** SATISFACTORY **Rating:** 8.31

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: located at 600 Enterprise Way, Kaufman, Kaufman County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **STORMWATER** PERMIT TXR05EE44 **WASTEWATER** PERMIT WQ0012114001 **WASTEWATER** EPA ID TX0079391

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 05, 2019 to April 05, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mark Gamble **Phone:** (512) 239-2587

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/27/2020 ADMINORDER 2018-1353-MLM-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Permit Conditions No. 2.g PERMIT
- Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, on June 18, 2018, a brief power outage occurred at the Facility causing the north and south clarifier rakes to stop turning, the south clarifier return sludge pump to stop running, and the SCADA system to malfunction so it did not send out an alarm, resulting in the unauthorized discharge of approximately 30,000 gallons of wastewater from the south clarifier basin into King's Cre
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: Operational Requirements No. 1 PERMIT
- Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, large amounts of floating solids and sludge were found in the clarifiers, effluent basin, and the travelling bridge sand filters; and the staff gauge used to determine flow rates was partially illegible.
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 30 TAC Chapter 319, SubChapter A 319.7(d)
- Rqmt Prov: Monitoring and Reporting Reqs. No. 1 PERMIT
- Description: Failed to timely submit DMRs at the intervals specified in the permit. Specifically, the Respondent submitted DMRs past the 20th day of the following month for the months of July 2017 through May 2018.
- Classification: Major
- Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failed to maintain authorization to discharge stormwater. Specifically, wastewater treatment facilities with design flows of 1.0 million gallons per day or more are required to obtain authorization to discharge stormwater under TPDES Multi-Sector General Permit ("MSGP") No. TXR050000 and the Facility's authorization under TPDES MSGP No. TXR05CS27 expired on November 14, 2016.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Interim Eff. Lims. & Mon. Reqs. No. 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 10, 2019	(1594248)	Item 21	September 21, 2021	(1767409)
Item 2	June 13, 2019	(1585377)	Item 22	October 20, 2021	(1777868)
Item 3	September 18, 2019	(1600539)	Item 23	November 18, 2021	(1784661)
Item 4	November 18, 2019	(1620113)	Item 24	December 17, 2021	(1791697)
Item 5	December 16, 2019	(1627460)	Item 25	January 04, 2022	(1775992)
Item 6	January 14, 2020	(1618264)	Item 26	May 20, 2022	(1829826)
Item 7	January 16, 2020	(1635093)	Item 27	June 20, 2022	(1836124)
Item 8	February 14, 2020	(1641708)	Item 28	July 28, 2022	(1843323)
Item 9	March 16, 2020	(1648222)	Item 29	November 18, 2022	(1870522)
Item 10	April 20, 2020	(1654574)	Item 30	December 12, 2022	(1876376)
Item 11	June 15, 2020	(1667669)	Item 31	January 19, 2023	(1883190)
Item 12	July 13, 2020	(1674617)	Item 32	May 18, 2023	(1913531)
Item 13	September 14, 2020	(1681389)	Item 33	June 16, 2023	(1920139)
Item 14	October 16, 2020	(1694318)	Item 34	July 18, 2023	(1927106)
Item 15	November 16, 2020	(1715570)	Item 35	August 21, 2023	(1934070)
Item 16	December 15, 2020	(1715571)	Item 36	October 18, 2023	(1947047)
Item 17	February 16, 2021	(1728648)	Item 37	November 17, 2023	(1952735)
Item 18	March 22, 2021	(1728649)	Item 38	December 19, 2023	(1962509)
Item 19	June 18, 2021	(1748124)	Item 39	January 19, 2024	(1969097)
Item 20	August 19, 2021	(1758153)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 08/31/2023 (1940209)			
	Self Report? YES	Classification: Moderate		
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description: Failure to meet the limit for one or more permit parameter			
2	Date: 10/20/2023 (1955119)			
	Self Report? NO	Classification: Moderate		
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report? NO	Classification: Moderate		
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report? NO	Classification: Moderate		
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE			

Date: 03/21/2024 (1955379)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to adequately operate and maintain the treatment units.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 217, SubChapter E 217.123(b)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to properly store the screenings from the wastewater treatment facility. Specifically, the screenings container did not have a cover or other set up to reduce vector attraction.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to include the required information on the annual sludge report. Specifically, the annual sludge report for reporting years 2022 and 2023 did not include the certification statement for meeting the requirements of 30 TAC §330 or amount transported interstate.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to provide requested records as required. Specifically, a copy of the summary transmittal letter that was sent to the Wastewater Permitting Section for the final phase chlorination/dechlorination units was not available for review during the investigation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to ensure flow meter accuracy. Specifically, no records were available noting the new secondary flow meter was accurately calibrated after installation in 2023.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to notify the TCEQ prior to completion of the final phase.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
 30 TAC Chapter 30, SubChapter J 30.350(n)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 TX0079391 PERMIT
 WQ0012114001 PERMIT
 Description: Failure to employ an operator holding the appropriate level of license.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF KAUFMAN
RN102410461

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2023-0536-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Kaufman (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 600 Enterprise Way in Kaufman, Kaufman County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$39,600 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$7,920 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$31,680 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on January 31, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012114001, Interim Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation tables below:

Effluent Violation Table No. 1				
Monitoring Period	Carbonaceous Biochemical Oxygen Demand (5-day)		Ammonia Nitrogen	
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 3 mg/L	Limit = 10 mg/L
December 2021	c	c	N/A	c
January 2022	c	c	N/A	c
February 2022	c	c	N/A	c
March 2022	10.2	30.5	N/A	c
July 2022	c	c	4.91	c
August 2022	c	c	6.82	19.1
September 2022	c	c	11.4	22.1

c = compliant
mg/L = milligrams per liter
N/A = not applicable

Effluent Violation Table No. 2		
Monitoring Period	Total Suspended Solids	
	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 15 mg/L	Limit = 40 mg/L
December 2021	15.37	c
January 2022	18.23	c
February 2022	c	43.5
March 2022	22.47	43.4
July 2022	c	c
August 2022	c	c
September 2022	c	c

c = compliant
mg/L = milligrams per liter

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Kaufman, Docket No. 2023-0536-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$31,680 of the assessed penalty is conditionally offset

based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0012114001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination

of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Krista Mello-Jurack

For the Executive Director

Date

03/29/2026

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

M. Holder

Signature

M. Holder

Name (Printed or typed)
Authorized Representative of
City of Kaufman

2/11/26

Date

CITY MANAGER

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A

Docket Number: 2023-0536-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Kaufman
Penalty Amount:	\$31,680
SEP Offset Amount:	\$31,680
Type of SEP:	Compliance
Project Name:	<i>Facility Improvements</i>
Location of SEP:	Kaufman County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment plant (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to repair the vertical turbine belt filter press pump and motor, and to purchase and install a lift station pump, a vertical turbine pump, and a return sludge pump at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the repairs to the dewatering vacuum belt filter pump and motor, and replacing the lift station pump, vertical turbine pump, and return sludge pump (the “Project”).

Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have cost more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Rebuild Vertical Turbine Belt Filter Press Pump and Motor	\$10,950.00
Influent Lift Station Pump	\$9,900.00
Goulds Vertical Turbine Pump	\$10,556.62
Homa Return Sludge Pump	\$5,590.00
Total	\$36,996.62

2. Records

As of October 14, 2025, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

- A. An itemized list of expenditures and total cost of the Project;
- B. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.A., above;
- C. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.A., above;
- D. A certified statement of SEP completion and document authentication;
- E. A detailed map showing the specific location of the project site(s); and
- F. Photographs of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to the SEP Coordinator at the address provided below:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.